

JHJ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Denis ALVAREZ-Castillo (1)

Melissa AGUAYO-Hernandez (2)

Defendants.

Magistrate Case No.:

'08 MJ 8278

COMPLAINT FOR VIOLATION OF


21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about March 28, 2008, within the Southern District of California, defendants Denis ALVAREZ-Castillo and Melissa AGUAYO-Hernandez did knowingly and intentionally import approximately 34.78 kilograms (76.51 pounds) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Lonnie Brasby, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1ST
DAY OF APRIL 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Lonnie Brasby with United States Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct:

On March 28, 2008, at approximately 1239 hours, Denis ALVAREZ-Castillo and Melissa AGUAYO-Hernandez entered the United States from the Republic of Mexico at the Calexico, California West Port of Entry. ALVAREZ-Castillo was the driver and AGUAYO-Hernandez was the passenger of a 2008 Nissan X-Trail.

Canine Enforcement Officer (CEO) J. Jones and his assigned Narcotic Detector Dog (NDD) were conducting a pre-primary roving operation when CEO J. Jones' NDD alerted to the floor of a 2008 Nissan X-Trail. At primary inspection, ALVAREZ-Castillo gave a negative Customs declaration to Customs and Border Protection (CBP) Officer L. Garcia. During questioning, ALVAREZ-Castillo advised CBP Officer L. Garcia that her friend was the registered owner of the vehicle and she was just borrowing it. ALVAREZ-Castillo then advised CBP Officer L. Garcia that she was going shopping in Calexico, California. CBP Officer L. Garcia then escorted ALVAREZ-Castillo and AGUAYO-Hernandez to the vehicle secondary office.

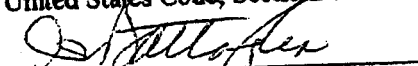
In the vehicle secondary lot, a subsequent inspection of the vehicle revealed thirty (30) packages with a combined weight of 34.78 kilograms (76.51 pounds) of a white powdery substance, which field-tested positive for cocaine. The cocaine was concealed inside a false compartment within the floor of the vehicle.

ALVAREZ-Castillo and AGUAYO-Hernandez were arrested for importation of cocaine into the United States. ALVAREZ-Castillo and AGUAYO-Hernandez were advised of their rights, per Miranda. ALVAREZ-Castillo and AGUAYO-Hernandez stated that they understood their rights and were willing to answer questions without the presence of an attorney. ALVAREZ-Castillo stated that she was hired to smuggle narcotics into the United States from Mexico and she would receive over \$1,000.00 for the smuggling venture. AGUAYO-Hernandez stated that she is the cousin of the registered owner of the vehicle, Dania Virginia MARTINEZ-Hernandez.

Executed on March 29, 2008 at 1230 hours.


Special Agent Lonnie Brasby

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendants named in this probable cause statement committed the offense on March 28, 2008, in violation of Title 21, United States Code, Sections 952 and 960.


United States Magistrate Judge

3/30/08 12:40 p.m.
Date/Time